

An Answer to the REASONS for continuing the Palace-Court.

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IT's pretended, That the *Palace-Court* was erected Seventy Years since, which is notoriously false, it being Erected by Letters-Patents from King *Charles II.* under the Great Seal, *October the 4th. Anno Regni sui 16.* And tho' it was of that Antiquity, yet if it be now found to be a Grievance, that can be no reason for its continuance.

The *Retale Trade* being chiefly used among the meaner sort of People, and Trade being incapable of being carried on without some Credit, if there were not sufficient means provided, at small Charges, and in a little time, to enforce Payment, the *Retale Trade* would sink, and the meaner sort of People would perish for want of Credit. It cannot be deny'd, but that the Erecting a Court of Law (to try small Causes by Juries, for the ease of the Subject) is extremely useful, in case there had been a defect of Justice for want of such Courts, but in *Westminster White-Chapel, Stepney, St. Katharines, Clink, Southwark*, and almost in all places within the limits of the *Palace-Court*, there are such Courts of Record; so that unless it be for the lucre and benefit of the Steward-Council, and Attornies of the *Palace-Court*, there is no necessity or reason for that Court to interfere with the other Courts, and encroach upon the Limits and Jurisdictions of the several Lords of them. And it's to be noted, That *Marshall-Court Bayliffs* enter all private Liberties to make their Arrests, which the *Sheriffs Officers* don't do, tho' to execute the Process of a superiour Court, unless they will subject themselves to the Action of the Bayliff of the private Liberty.

Besides the several Courts above-mention'd, within their Limits and Jurisdictions have (by prescription time out of mind) try'd Causes of three or four Pound Value, as well as the *Palace-Court*, therefore no need for that Court.

It is for the ease of the Subject to have Justice administer'd near their own Habitations, but the *Palace-Court* compels Persons out of *Middlesex, Essex, Surry, and Kent*, within twelve Miles, to be try'd at that Court held in *Southwark*, which, without doubt, is a great Violence and Oppression to the Subject, to be forc'd from one County to another to receive Justice by Process of any inferiour Court.

'Tis suggested, That if the *Palace-Court* be suppress'd, that another of the same Nature must be erected, which is merely begging the Question; for there is no need of that, or any other such like Court, the defect being supply'd by the aforesaid Inferiour Courts and Jurisdictions.

'Tis said, That the Mayor's and Sheriff's Courts in *London* are Inferiour Courts, and have been found useful; but if those Courts had Jurisdiction twelve Miles round *Guild-Hall*, they would no doubt, instead of being useful (as now they must be confess'd to be) be a great Grievance and Oppression to the People.

The *Palace-Court* pretends to discharge all Prisoners where the Debt and Damages are under Forty Shillings: This course has been in use, it may be a little before the sitting of this Parliament, as if they foresaw, that their oppressive Court should receive its downfall from the Wisdom and Justice of this Parliament.

It is pretended, That the Council and Attornies of that Court have bought their Places for Life, and consequently have a Freehold in them; and therefore it would be an unjust thing to take away any Man's Freehold. If this should be allow'd as a sufficient Objection, then no Act of Parliament could ever be made; for no Act that ever was made, or ever will be made, but must be to the prejudice and disadvantage of a few private Persons; so that this can be no reason to continue the *Palace-Court*.

It seems they are willing to submit to a regulation, knowing that nothing but a total subversion of this new erected *Palace-Court* can in the least affect them; for a regulation of their Proceedings will be little or no ease to the Subject, their vast Jurisdiction extending twelve Miles round the Palace, making a Circle above seventy Miles in compass, being the Grievance complain'd of, which all the Towns and Villages about *London* can testify; and by the reason that they obtain'd the Letters-Patents, for the encrease of their Jurisdiction, as to the Persons, so they may obtain Letters-Patents to enlarge their Jurisdiction as to place; and consequently gain Power to Arrest seventy Miles round the Palace, and then there would be little left for either inferiour or superiour Court to do.

It cannot be deny'd, but that the Court of *Marshalsea* is a very ancient Court, and very useful for trying all Causes arising between any of the King's-Household; but it is plain, that that Court was very early for enlarging its Jurisdiction, and did direct Process against all Persons within the Verge, whether of the Household of the King or not; to obviate which encroachment, it was Enacted by the Parliament, that the Parties Arrested should have liberty to averr, that they were not of the Household at the time of the Suit commenc'd; by which Act their Invention to encrease their Jurisdiction was subverted; and it is to be observ'd, that every Act made concerning the *Marshalsea* either restrains or explains their Jurisdiction, but no Act enlarges it. And since it was thought so necessary formerly to keep that Court within its due Limits and Jurisdiction, why it should be thought convenient at present, that this new erected *Palace-Court* should be favour'd with such ample Authority, is a thing very difficult to imagine.

